

TITLE 16 DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements of arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Embassy Suites Hotel, 150 Anza Boulevard, Burlingame, California 94010. The telephone number is (650) 342-4600. The hearing will be held at 1:30 p.m., on July 11, 2003.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on July 7, 2003, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 1763(c) of the Business and Professions Code, and to implement, interpret or make specific Section 1763 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt California Code of Regulations Article 4.5, Section 1042-1042.6

Existing law (AB982), Chap. 1131, Statutes of 2002) among other things creates the California Dental Corp Loan Repayment Program. This new program encourages recently licensed dentists who are linguistically and culturally competent to practice in underserved locations in California. In exchange for them practicing in these areas, the program authorizes that the Board may award up to \$105,000 for repayment of educational loans. The dentist would have to commit to a three-year service contract. The board is responsible for implementing this program.

Sections of the Proposed Regulations

1042 – This section defines certain terms as they relate to this program.

1042.1 – This section outlines the guidelines for the selection of applicants. In addition to possessing a current valid license to practice dentistry in this state, applicants must meet specified criteria. The criteria and a grading point system is spelled out, including, among other criteria, allowing an applicant one point each, if he or she speaks more than one Medi-Cal threshold language; has additional experience working in a health field related to dentistry in an underserved area; and is not participating in any other educational loan repayment program. The points will help the selection committee get a better sense of the qualifications of the applicants, but the number of points that an applicant receives is not the determinative factor in selecting

dentists to participate in this program. The Board shall consider giving priority consideration to those applicants who are best suited to meet the cultural and linguistic needs of patients from dentally underserved areas.

Section 1042.2 – This section of proposed language defines the process an applicant must follow to be considered for the program including the submission of an application, which includes: stating which criteria an applicant meets; providing the name of each loan company to which the applicant is repaying a loan; a current loan statement; the outstanding balance and the purpose for which the loan was given.

Section 1042.3 – This section of proposed language defines the processing times for applications. There is a proposed 120-day window in which the Board must notify the applicant of its decision on the application.

Section 1042.4 – This section of proposed language outlines program implementation and requires a participating dentist to sign a written agreement with the Board agreeing to the terms of the program. In addition, it outlines the repayment terms if the participant receives less than the maximum allowable under the statute.

Other proposed language includes the dentist hold a valid, active, current and unrestricted license for the duration of the program.

Section 1042.5 – This section of language proposes, if a dentist participating in the program is unable to complete his or her obligation, the process and penalties for failing to meet his or her agreement with the Board, including a reduction in loan repayment or repayment to the Board of amounts paid out. In addition, it defines the administrative and civil consequences of the inability to complete the obligation.

Section 1042.6 – This section of language outlines the program reinstatement requirements necessary for reinstatement to the program.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Dental Board of California is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulations would not affect small businesses because the proposed regulation implements a loan repayment program for individuals, not for businesses.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which is considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **[or by accessing the website listed below]**.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Linda M. Madden
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825

Telephone: (916) 263-2300
Fax Number: (916) 263-2410
E-Mail Address: linda_madden@dca.ca.gov

The back-up contact person is:

Name: Georgetta Coleman-Griffith
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825

Telephone: (916) 263-2300
Fax: (916) 263-2140
E-Mail Address: georgetta_coleman-griffith@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Linda Madden (916) 263-2300, ext. 2327.

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov